

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

LEAGUE OF WOMEN VOTERS)
OF MICHIGAN, ROGER J. BRDAK,))
FREDERICK C. DURHAL, JR.,)
JACK E. ELLIS, DONNA E.)
FARRIS, WILLIAM “BILL” J.)
GRASHA, ROSA L. HOLLIDAY,)
DIANA L. KETOLA, JON “JACK”)
G. LASALLE, RICHARD “DICK”)
W. LONG, LORENZO RIVERA)
and RASHIDA H. TLAIB,)

Plaintiffs,)

v.)

RUTH JOHNSON, in her official)
Capacity as Michigan)
Secretary of State,)

Defendant.)

No. 2:17-cv-14148

**PLAINTIFFS’ UNOPPOSED
APPLICATION TO FILE
BRIEF EXCEEDING 25 PAGES**

PLAINTIFFS’ UNOPPOSED APPLICATION TO FILE
A RESPONSE BRIEF EXCEEDING 25 PAGES

Pursuant to Local Rule 7.1(d)(3)(A), Plaintiffs League of Women Voters of Michigan, Roger J. Brdak, Frederick C. Durhal, Jr., Jack E. Ellis, Donna E. Farris, William “Bill” J. Grasha, Rosa L. Holliday, Diana L. Ketola, Jon “Jack” G. LaSalle, Richard “Dick” W. Long, Lorenzo Rivera, and Rashida H. Tlaib

(collectively, “Plaintiffs”) respectfully apply for leave to file a response brief in excess of 25 pages. In support of their application, Plaintiffs state as follows:

1. On December 22, 2017, Plaintiffs filed a Complaint for Declaratory and Injunctive Relief (“Complaint”) [Doc. No. 1] against Defendant Ruth Johnson, in her official capacity as Michigan Secretary of State. Plaintiffs claim that Defendant has engaged in partisan gerrymandering with respect to state legislative and congressional districts in violation of the First and Fourteenth Amendments to the United States Constitution.

2. On January 23, 2018, Defendant filed a combined Motion to Stay and to Dismiss for Lack of Standing [Doc. No. 11]. Defendant essentially combines two separate motions into one pleading: (1) a non-dispositive motion to stay this litigation pending the resolution of *Gill v. Whitford*, U.S. Supreme Court Dkt. No. 16-1161, and *Benisek v. Lamone*, United States Supreme Court Dkt. No. 17-333; and (2) a dispositive motion to dismiss the Complaint on the basis of standing.

3. Pursuant to Local Rule 7.1(e)(2), Plaintiffs’ response to Defendant’s motion to stay is currently due on February 6, 2018; and pursuant to Local Rule 7.1(e)(1), Plaintiffs’ Response to Defendant’s motion to dismiss is currently due on February 13, 2018. However, consistent with Defendant’s presentation and for the sake of expediency and efficiency, Defendants intend to file a combined response

opposing both motions. Thus, Plaintiffs plan to file, on February 6, 2018, a timely response that addresses *both* the motion to stay and the motion to dismiss.

4. Pursuant to Local Rule 7.1(d)(3)(A): “The text of a brief supporting a motion or response, including footnotes and signatures, may not exceed 25 pages.” Because Plaintiffs’ brief will respond to two separate motions—which, if filed separately would be allotted a combined total of 50 pages—Plaintiffs reasonably require more than 25 pages to fully respond to the issues. In addition, Plaintiffs’ request is justified by the importance of the issues in this matter, to both the parties and the public, and the gravity of a potential stay or dismissal.

5. Accordingly, Plaintiffs seek leave to file a combined response to Defendant’s combined motion that exceeds the 25-page limit. *See* L.R. 7.1(d)(3)(A) (“A person seeking to file a longer brief may apply *ex parte* in writing setting forth the reasons.”). Specifically, Plaintiffs seek leave to file a response brief that is no more than 40 pages long.

6. Pursuant to L.R. 7.1(a), Plaintiffs reached out to opposing counsel who indicated that the Defendant does not object to this request.

WHEREFORE, Plaintiffs respectfully request leave to file a combined brief in excess of 25 pages that responds to Defendants’ combined motion to stay and motion to dismiss, and all other appropriate relief.

Date: February 5, 2018

/s/ Harmony A. Mappes

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Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that on February 5, 2018, a copy of the foregoing Motion was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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